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CORRELATION OF LEGAL SYSTEM AND LEGISLATIVE SYSTEM

Recently, there appeared a common problem of substitution of concepts “legal system” and “legislative system”. Thus, despite the fact that the legal system and legislative system are close in meaning, they have significant differences. If the primary element of the law is a rule of law, the primary element of the legal system is a legal act.

Thus, the legal system means a system of statutory instruments, which is characterised by unity. It includes the laws and regulations adopted for their implementation. For legislative system, as opposed to the legal system, “doubling” of structure by allocating complex fields remains debatable. It is also characterized by horizontal structure among structural elements, which includes complex areas of law.

Using a sectoral approach in determining the legal system, we can distinguish the following elements: fields of legislation, legislative institutions, statutory instruments. In this approach, field of law coincides with the field of legislation. For example, selecting constitutional law in the legal system, we hereby confirm that there is also a constitutional legislation.

On the other hand, using not a sectoral approach, where important criteria are subject and method of legal regulation, but only the scope of implementation of provisions of statutory instruments (i.e. only the subject of legal regulation), legislative system can be represented as numerous complex groups.

